



REGIONAL SEMINAR

STRENGTHENING THE LEGISLATIVE AND OPERATIONAL RESPONSE AGAINST ILLICIT TRAFFICKING IN FIREARMS

25 - 27 FEBRUARY 2014

DAKAR, SENEGAL

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Introduction

The United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol) is the only legally binding international instrument in the field of firearms control. It establishes a global framework for States to control and regulate licit arms manufacturing and flows, prevent their diversion into the illegal circuit and facilitate the investigation and prosecution of related offences. In 2011, UNODC launched a Global Firearms Programme (GFP) with a view to promote and facilitate the ratification and implementation of the Firearms Protocol. In the framework of the GFP, UNODC focuses on activities related to awareness-raising and promotion of the ratification of the Firearms Protocol; development of legislation to strengthen the legal and regulatory framework on firearms and promotion of regional harmonization of laws and practices; capacity building and training in order to reduce the availability of illegal firearms, and strengthen the regulatory framework on firearms, especially in marking, record keeping, transfer controls, collection and destruction of firearms; training and capacity building with the view to strengthening the criminal justice responses and to promote effective international cooperation and information exchange for combating illicit trafficking in firearms and related offences; and increased knowledge on transnational firearms trafficking patterns and enhanced civil society engagement. The programme currently covers 17 countries from South America, West Africa and the Sahel region. The countries in West Africa and Sahel include Benin, Burkina Faso, Chad, The Gambia, Guinea, Ghana, Mali, Mauritania, Niger, Nigeria, Senegal and Togo.

UNODC organized from 25 to 27 February 2014 in Dakar, Senegal, a regional seminar for governmental experts from the countries in West Africa and the Sahel region. The participants included representatives from the Ministries of Interior, Ministries of Defence, Ministries of Justice, the Prosecutor General's Office, the Judiciary and the National Commissions on Small Arms and Light Weapons (SALW). The objectives of the seminar were (a) to provide an update on the implementation of the Firearms Protocol and its provisions on illicit manufacturing of and trafficking in firearms; (b) to present an analysis of the capacities of national authorities to counter the illicit trafficking in firearms; (c) to identify specific operational responses and (d) technical assistance needs to implement the Firearms Protocol. This information will be used as a background for the development of national activities to support the implementation of the firearms component of the UNODC's programme for Sahel, supported by the Government of Japan.

Session 1: Dimensions of the problem of transnational organized crime

The first session of the seminar was devoted to introducing the dimension of the problem of firearms trafficking in the region, thus setting the scene for further discussions. Ms. Helene Cisse presented the international and legal instruments, including the United Nations Convention against Transnational Organized Crime (UNTOC) and its Firearms Protocol. She provided a detailed analysis of the two instruments and their relationships to the ECOWAS Convention on SALW. She emphasized on several occasions the strengths, which resulted from the inter-relationships between the international and regional instruments and from their mutual implementation. She concluded her presentation with an overview of the assistance currently provided by UNODC to national authorities in West Africa for the purpose of strengthening the legal response against trafficking in firearms. Furthermore, Ms. Cisse enumerated the options for legislative development for countries which had not initiated that process and the assistance that UNODC could provide.

In their presentations, Mr. Jacques Ndour and Mr. Diman Dimov provided an overview of the organized crime dimension, and specifically the trafficking in firearms the West Africa and Sahel regions, by sharing information about the latest research work of UNODC on these topics. They outlined the UNODC's response to combatting the trafficking in and illicit manufacture of firearms and explained the main objectives of the Global Firearms Programme (GFP). During the follow-up discussion the participants provided information about the impact of the trafficking in firearms on the overall security situation in their countries.

Session 2: Overview of the progress in legislative development

Experience with the establishment of drafting committees

Several delegations presented their achievements and challenges in respect of laying the groundwork for legislative reform in the field of firearms control. The representatives of Benin and Burkina Faso elaborated on the steps that were undertaken to establish drafting committees in their countries to review the existing national legislation and develop updated bills. They focused on the composition and the procedures adopted by the drafting committees, which had assisted them to accomplish their tasks. Specific reference was made to the need of involving representatives of the civil societies from the beginning of the process and the lobbying efforts with the members of the parliaments. The representative of Benin discussed at length also the setbacks that the drafting committee experienced in its work and the importance of continuously engaging with all relevant institutions in the executive branch and with the committees in the parliament in order to keep the issue of the reform on the agenda of all stakeholders. The follow up discussion revealed similar experience in the other countries from the region, as well as challenges that could not be overcome.

Experience in adopting a temporary amnesty law for the purpose of weapons collections

The delegation of Niger started their intervention with a presentation of the current dimension of trafficking in firearms and described its links to the past and on-going conflicts in the Sahel region. The delegation noted that the trafficking in firearms resulted in increased availability of illegal firearms, in their proliferation within the population, and in increase of the associated risks of fueling criminality at national level and in the neighboring countries.

The authorities intervened with various measures, including the organization of sporadic voluntary collection campaigns by providing monetary incentives and the criminal investigations and proceedings against individuals found in illegal possession of firearms. After an evaluation of the results, they took a decision to change the strategy. The new approach foresaw collaboration with community leaders, involvement of the civil society, and adoption of an amnesty law. The draft bill was prepared and would be considered by the parliament in March 2014. It envisaged a six months grace period (July-December 2014) during which illegally held firearms could be returned without their owners becoming subject to criminal sanctions. That period would also be used to establish a database of legal firearms owners through a registration process.

The participation of civil society in the legislative process

In this session, several delegations shared the good practices and successful experiences in the cooperation between civil society and national institutions on the development of firearms legislation. There was consensus for the inclusion of the civil society organizations (CSO) in activities for sensitization of the general public about the new firearms legislation and the plans on how to implement the new provisions. Furthermore, the delegates recognized the role played by CSOs in lobbying policy makers for the review, adoption and implementation of the best international standards in firearms control. All countries shared relevant experience in working with CSOs on various firearms control activities. The delegates gave numerous examples where members of the CSOs had the status of observers or participants in the National Commissions on SALW. They provided also details about the active engagement of the CSOs representatives in the formulation and later review of national strategies, actions plans and in their implementation.

Session 3: Firearms legislative overview in the region

The delegations reported on the progress and challenges in developing legislation that was in conformity with both regional and international instruments. Several delegations described the setbacks that the drafting process in their countries suffered. They underlined the lack of expertise for interpretation of the international norms and for producing comparative analysis. A number of delegations indicated that their domestic legal systems on firearms control were

outdated and the resources to undertake a thorough overhaul in the most cases are not available. As a result, the progress was slower than initially envisaged.

Later, the discussions focused on the variations in the criminal sanctions in the national legislations. The delegations provided examples of sanctions envisaged in their criminal legislation related to firearms offences. The participants stressed upon the need for implementing harmonized approaches when determining the criminal conduct and establishing the levels of sanctions in order to overcome the existing discrepancies.

Mr. Diman Dimov presented UNODC's tools available to support the efforts of Member States to align their legislation with UNTOC and its Firearms Protocol. He informed that UNODC's Model law against illicit manufacturing and trafficking in firearms is available also in French and Arabic languages. Many delegations expressed particular appreciation for the assistance provided so far by UNODC and requested the Organization to continue its support for legislative reforms in the field of firearms control. They identified the need for harmonization of the terminology used in the various legally binding instruments and the requirements for developing not only the main legal acts, but also the necessary regulations for their implementation.

Session 4: Lessons learned in the fight against trafficking in firearms

All delegations recognized the importance of investing continuously resources and efforts in order to improve the capacity of state institutions to fight firearms trafficking. Several countries laid stress on the need to improve cross-border communication and increase border security. There was consensus that law enforcement agencies lacked technical resources to secure the borders. Several delegations addressed past and present conflicts in the region and gave examples of firearms trafficking that had further undermined the security and economic development in this part of the world.

Many delegations addressed the trafficking as a criminal activity where the efforts of the judiciary were of paramount importance in order to bring perpetrators to justice. Furthermore, they observed the need to exchange information about firearms related crimes as a result of the firearms trafficking as this aspect of cooperation was not explored so far in the region.

Session 5: Challenges in collecting and analyzing data

UNODC study on firearms trafficking

Mr. Diman Dimov presented UNODC's efforts to conduct a global study on firearms trafficking. He described UNODC's mandate and the preparatory work that was done for the development of the study. A particular emphasis was devoted on the means of communication between Member States and UNODC for exchanging data on seized firearms, their parts and components and ammunition. Delegations received copies of the notes verbales sent by UNODC in December

2013 and had the opportunity to access with their unique login credentials the dedicated website which contained the questionnaires for the study and to download the relevant documents.

In his presentation, Mr. Giorgio Ravagli explained thoroughly all requirements for collecting data for the purpose of the UNODC's study on firearms trafficking and provided step by step examples on how to fill in the questionnaires. He elaborated on the various types of questions and gave information on how UNODC intended to use the data provided.

Mr. Ravagli further drew attention to the importance of nominating one official, who would coordinate at national level the data collection efforts. He outlined the responsibilities of these officials and the crucial role that they had in providing statistically relevant data.

During the follow-up discussion the participants mentioned the difficulties in collecting data for UNODC's study and recognized the shortfall in statistical expertise and resources for sustainable data gathering. The majority of the delegations expressed concern that their countries did not possess reliable statistics. A specific challenge would be to provide data on tracing as there was no centralized process of collecting and maintaining such information.

The multitude of institutions that possessed data on seized firearms, including customs, border guards, police, gendarmerie and arm forces was identified as another challenge. The high number of institutional players was due to the different mandates in dealing with various types of firearms in some countries. Several delegation shared information that only the armed forces in their countries were eligible to handle military automatic firearms and if seizures of such arms took place by law enforcement they would need to hand over the seized firearms to the armed forces.

Although efforts could be made to achieve national coordination in centralizing such data, all delegations expressed the need for technical assistance in terms of providing solutions for record-keeping of data on seized firearms.

Several delegations mentioned that they would be able to provide partial data for the UNODC's study. One delegation informed that data on various aspects of firearms trafficking and criminality was collected and summarized by security agencies, but many details were considered classified information that could not be shared.

Best practices for monitoring and control of trafficking in firearms

Mr. Diman Dimov presented UNODC's concept for the establishment of a national mechanism or unit responsible for the collection, monitoring and analysis of data on seized firearms and ammunition. Such mechanism could assist in addressing many of the challenges identified by the delegations in relation to data collection. He highlighted the benefits of adopting such approach and pointed out at several examples of successful implementation of that concept. Furthermore, Mr. Dimov spoke also about the possible technical tools for the collection and analysis of data on trafficking in firearms and demonstrated a record-keeping system on seized firearms deployed by

the police service in another region. In his presentation, he gave information on the best practices for monitoring of trafficking in firearms, including the development of annual national and regional threat assessments. Mr. Dimov provided examples on the structure and content of such assessments and commented on the contribution of these assessments to establishing and updating national strategies on fighting firearms trafficking.

Mr. Dimov explained the capacity building support that UNODC would be able to provide for establishing national mechanism on monitoring firearms trafficking and provided further information on the training courses offered by UNODC.

Session 6: Strengthening regional and international cooperation to combat illicit trafficking in firearms and organized crime

International Cooperation

In this session, Mr. Jacques Ndour and Mr. Diman Dimov opened the discussion with a presentation on the importance of international cooperation to prevent and combat illicit trafficking in firearms. During the discussions the delegates identified once again the need to update the information about national focal points for international cooperation. They provided also examples for successful police and judicial cooperation on firearms investigations, which resulted in subsequent extraditions. Several delegations provided examples of effective cooperation in tracing in firearms. It was emphasized once again the need to increase the capabilities within the police forces in tracing firearms in order to be able to contribute towards the international information exchange of this data.

Regional network against firearms trafficking

The second part of the session was devoted on deliberations over the formation of a regional network of experts with the aim to combat trafficking in firearms. Mr. Dimov presented the UNODC's concept on the establishment of such regional network, which was shared with the delegates in advance. The aim of the regional network would be to bring together practitioners from national firearms control authorities, law enforcement, prosecution and judiciary, to facilitate and support the effective exchange of expertise and experience in the investigation and prosecution of firearms criminality and related forms of organized crime cases through exchange of information, good practices, lessons learned, in ways consistent with participants' respective domestic legal and administrative systems. The main focus of the network would be in assisting experts with the necessary legal, technical and practical information and knowledge on firearms and their overall illicit trafficking problematic to support their daily work on investigation and prosecution of firearms related cases; disseminating existing tools and developing additional tools, and facilitating contacts with other relevant networks.

A number of outputs were expected from the establishment of such network, including increased number of cases investigated and adjudicated; collection and dissemination of relevant cases and

good practices in the investigation and prosecution of firearms and related organized crime cases; developing and regularly updating national and/or regional threat assessments on firearms, which analyzes the risks posed to the countries in the region by the criminal use and supply of firearms and ammunition; determination of an accurate picture of firearms criminality taking into account the types of offenders engaged in criminal activity, types of weapons available in the market, as well as sources of firearms trafficking; and enhancing cooperation between the regional law enforcement authorities to combat crime groups involved in illicit trading in firearms.

In the follow-up discussion, delegates expressed satisfaction for being able to review UNODC's concept note in advance and provided extensive feedback with comments and questions. Several delegations drew attention to the geographical scope of the network and the number of national participants who could be nominated. Other delegations taking the floor focused on the possible institutions that could nominate participants and their respective roles and responsibilities. Several countries expressed concerns related to the institutional framework within which such network could function. In conclusion, the delegations indicated interest in UNODC's proposal and deemed desirable further consultations on the concept note with the relevant national authorities. During the last session the delegates also elaborated on their priorities for technical assistance and capacity building in the area of preventive and penal measures and international cooperation.

Annex 1: Conclusions

STRENGTHENING THE LEGISLATIVE AND OPERATIONAL RESPONSE AGAINST ILLCIT TRAFFICKING ON FIREARMS

REGIONAL SEMINAR IN DAKAR, SENEGAL

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CONCLUSIONS

A regional seminar on strengthening the legislative and operational responses against illicit trafficking in firearms took place in Dakar, Senegal from 25 to 27 February 2014. The United Nations Office on Drugs and Crime organized this seminar with the generous support of the Government of Japan.

The seminar enabled deep and unprecedented, operational as well as strategic exchanges between representatives of the National Commissions on Small Arms and Light Weapons, and criminal justice experts from Benin, Burkina Faso, Chad, The Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal and Togo.

As a result, the participants agreed:

- To share their experiences and exchange examples in the development of national legislation on firearms control in compliance with the relevant regional and international instruments.
- To support the UNODC Global Study on Firearms Trafficking by communicating, after consultations with the relevant national authorities, the contact details of the designated focal points who will be responsible for the coordination of the collection and compilation of the requested data on seized firearms, their parts and components and ammunition. The designated focal points will also provide UNODC with information about the challenges the national authorities face in collecting the data and the assistance required to overcome these difficulties.
- To present to the relevant authorities for their consideration a proposal for the establishment of a central firearms desk for collating, coordinating and processing data on all seized firearms.
- To convey to the relevant national authorities UNODC's proposal of establishing a regional network composed of representatives who may be drawn from focal points on

small arms control, law enforcement agencies and other relevant institutions, with the goal to combat illicit trafficking in firearms and strengthen international cooperation. UNODC will coordinate the consultation process and act as interim Secretariat. Upon finalization of the consultation process, a regional meeting will be convened, organized by UNODC in April or May 2014, to discuss and adopt the objectives and define the annual work plan of the network.

Annex 2: Agenda

STRENGTHENING THE LEGISLATIVE AND OPERATIONAL RESPONSE AGAINST ILLICIT TRAFFICKING IN FIREARMS

25 - 27 FEBRUARY 2014, DAKAR, SENEGAL

Monday, 24 February 2014

Arrival of participants in Dakar, Senegal. Hotel location to be confirmed.

25 February 2014

8:45 Registration

9:00 – 9:30 **Welcome Remarks**

- Team leader, UNODC Global Programme on Firearms
- Representative of the Government of Japan
- Regional Representative of UNODC
- Representative of the Republic of Senegal

Moderator: Mr. Jacques Ndour, UNODC

Session 1

Dimensions of the problem of transnational organized crime, in particular trafficking in firearms, and the regional policy, institutional and legal responses

9:30 – 10:30 Presentations

- Round table presentations (15 min)
- Dimensions of the problem of transnational organized crime, in particular trafficking in firearms in the Sahel-Saharan region (15 min)

Mr. Diman Dimov, UNODC

- International and regional legal instruments: UNTOC and the UN Firearms Protocol, Arms Trade Treaty, ECOWAS Convention on SALW – (20 min)

Ms. Helene Cisse

10:30 – 11:00 Coffee break

Session 2

Overview of the progress in legislative development

11:00 – 12:30

Presentations of national delegations (15min/presentation):

- Legislative reform: lessons learned (Benin)
- Experience with the establishment of a drafting committee (Burkina Faso)

- Experience in adopting a temporary amnesty law for the purpose of collection of weapons (Niger)
- The participation of civil society in the legislative process (Senegal)
- Experience in drafting legislation on firearms (Togo)
- Process of establishing a NatCom and a Drafting Committee of the Law on Firearms (Mauritanian Experience)
- Round table: challenges and opportunities for legislators in the region

Moderator: Ms. Helene Cisse

12:30 – 14:00 Lunch break

Session 3

Firearms legislative overview in Chad, Niger, Nigeria, Mali and Mauritania

14:00 – 15:00 National presentations (10 min/country)

15:00 – 15:30 Coffee break

15:30 – 16:30 Discussion

- Legislative tools to support the development of the legislative process: UNODC Legislative Guide, UNODC model law, ECOWAS Legislative Guide etc. (15 min)

Mr. Diman Dimov, UNODC

- Group discussions: identification of areas where UNODC can further support the legislative development and regional harmonization related to firearms control

16:30 – 16:45 Summary of the group discussions

Wednesday, 26 February 2014

Session 4

Operational mechanisms, best practices and lessons learned in the fight against trafficking in firearms in West Africa and the Sahel region

9:00 – 11:00

- Round table discussion

11:00 – 11:30 Coffee break

Session 5

Challenges in collecting and analyzing data, and monitoring the illicit trafficking of firearms.

National and international mechanisms to monitor and combat illicit arms trafficking flows

11:30 – 12:30

- Introduction to the UNODC Global Study on Firearms Trafficking
Mr. Diman Dimov, UNODC

- Collection of information under the Global Study on Firearms Trafficking
Mr. Giorgio Ravagli

12:30 – 14:00 Lunch break

14:00 – 15:30

Institutional and operational arrangements to facilitate the participation of Member States in UNODC Global Study on Firearms Trafficking

- Identification of national focal points for the purpose of the UNODC Global Study on Firearms Trafficking
- Support the establishment of a national mechanism or unit responsible for the collection, monitoring and analysis of data on seized firearms and ammunition
- Technical tools for the collection and analysis of data on trafficking in firearms
- Best practices for monitoring and control of trafficking in firearms: development of annual national and / or regional threat assessments

15:30 – 15:45 Coffee break

15:45 – 16:45

- Capacity building for investigation and prosecution of crimes related to firearms trafficking
- Identification of additional needs for technical assistance

Thursday, 27 February 2014

Session 6

Strengthening regional and international cooperation to combat illicit trafficking in firearms and organized crime

9:00 – 11:00

- The importance of international cooperation to prevent and combat illicit trafficking of firearms - UNODC (20 mm)
- Establishment of a regional group of firearms experts to strengthen international cooperation: objectives and outputs (20 mm)
- Group discussion on the feasibility for the establishment of a regional group of firearms experts

11:00 – 11:30 Coffee break

11:30 – 12:00 Adoption of the conclusions and closure

12:00- 13:00 Lunch and departure of participants

Annex 3: List of participants

N°	NAME	COUNTRY	INSTITUTION	FUNCTION
1	Haimoud RAMDAN	Mauritania	Ministry of Justice	Chief of Mission
2	Saloum CAMARA	Mauritania	Ministry of Foreign Affairs	Director
3	Mahamane Abidine MAIGA	Mali	National Commission on SALW	Colonel
4	Issa COULIBALY	Mali	EMPABB	Director
5	Mathias DAOUNDONGAR	Chad	Ministry of Justice	
6	Mahatma BOURMA	Chad	Ministry of Interior	General Inspector
7	Issa WASSEY	Niger	Ministry of Justice	Magistrate
8	Souley ALFARI	Niger	Ministry of Interior and Security	Director
9	Mazah PAKA	Togo	National Commission on SALW	Permanent Secretary
10	Atara M'DAKENA	Togo	National Commission on SALW	General Prosecuto
11	Placide AYAMOU	Benin	National Commission on SALW	Member
12	Bonaventure D'OLIVEIRA	Benin	National Commission on SALW	President
13	Asante GYEBI	Ghana	National Commission on SALW	Senior Programme Officer
14	Atsiasa PHILIP	Ghana	Criminal Investigations Department, Ghana Police Service	Deputy Superintendent of Police, Director Central Firearm Registry
15	Assan TANGARA	The Gambia	Ministry of the Interior	Deputy Permanent Secretary/ Focal Point Gambia NATCOM on SALW
16	Leon JAMMEH	The Gambia	Ministry of Interior	Chief Inspector

N°	NAME	COUNTRY	INSTITUTION	FUNCTION
17	Colonel Christophe Raoul TAPSOBA	Burkina Faso	National Commission on SALW	Permanent Secretary
18	N'Dio Sophie Marie BAMBARA/OUATTARA	Burkina Faso	Court of Appeals, Ouagadougou	President
19	Nkemakonam Dickson ORJI	Nigeria	Nigerian PRESCOM	President
20	Ere Raphael WHYTE	Nigeria	Nigerian PRESCOM	Member of NatCom
21	Sydy Souleymane NDIAYE	Guiney	Ministry of Justice	Director
22	Abdoulaye BA	Senegal	Ministry of Justice	Director
23	Babou FAYE	Senegal	National Commission on SALW	Member of NatCom
24	Jacques Seckène NDOUR	Senegal	UNODC /ROSEN	Regional Coordinator GFP
25	Giorgio RAVAGLI		UNODC /HQ	Consultant Global Study
26	Diman DIMOV		UNODC /HQ	Project Coordinator GFP
27	Fabrice BOUSSALEM	UNDP Regional Center, Dakar	UNDP	Sahel Programme Manager/Advisor
28	Benoit Assouan Colau DEGCA	Benin	National Commission on SALW	President
29	Hélène CISSE	Senegal	Dakar	Consultant UNODC